

TOWN OF LEBANON
SPECIAL TOWN MEETING
August 24, 2009

A special town meeting of the electors and those qualified to vote at the town meetings of the Town of Lebanon was held on Monday, August 24, 2009 in the Lyman Memorial High School Auditorium, 917 Exeter Road (Route 207), Lebanon, Connecticut. Audience: 265

First Selectman Joyce Okonuk called the meeting to order at 7:30 P.M.

First Selectman Okonuk then called for nominations for moderator.

Moved by Linda Finelli, seconded by Paul LeDuc, to appoint Edward Tollmann as moderator. Vote Called – Motion Passed

Moved by John Bendoraitis, seconded by Liz Charron to wave the reading of the call of the meeting. Vote called – Motion passed

Moved by Linda Finelli, seconded by Susan Davis, to bring item 1 to the floor. *Consider and act upon the release of funds from the Capital Reserve Account, Open Space Funds, Account #220-900-5469 in the amount of fifty thousand dollars and no cents (\$50,000.00) towards the purchase of a Conservation Easement on the Rechlin property at 753 Waterman Road. Copies of the Easement are available for public inspection at the Town Clerk's Office.*

Discussion: Town Planner Philip Chester spoke to the question as follows. The Rechlins contacted the Town 2 years ago to express an interest in selling a permanent conservation easement on their 100-acre property at 753 Waterman Rd. This property is part of a larger 600-acre block of land consisting of undisturbed open space that runs from Waterman Road west to Randall Road and beyond identified in Lebanon's POCD as land to remain open space. The Town assisted the Rechlins in applying to the DEP Forest Legacy Program, requesting \$250,000 for their conservation easement. Funding for the program was significantly reduced and the application was denied. The Town conducted two (2) appraisals on the Rechlin property which determined that the value of a conservation easement was between \$321,000 and \$340,000. Wolfgang and Edwina Rechlin are gifting 77% ,or \$246,000 of the conservation easement value, and are asking for a total of \$75,000. Town Meeting is being asked to appropriate \$50,000 of the \$75,000. This money will come from the Town's Open Space Account which currently has a balance of \$200,000. The Town has secured the remaining \$25,000 to be paid to the Rechlins from CT Forest & Parks Association and Joshua's Tract. Both of these organizations Board of Directors agree that the Rechlin property is worth preserving and they have chosen to donate their funds to this effort. Both Lebanon's Conservation Commission and Board of Selectmen have endorsed this project. The Town will have to conduct a Class D survey of the property. Funding for the survey has already been appropriated at a prior Town Meeting.

Moderator Tollmann called the question: Vote called-Item 1 passed

Moved by Alicia Wayland, seconded by Linda Finelli, to bring item 2 to the floor: *consider and act upon the acceptance and release of three hundred eighteen thousand six hundred fifty two dollars and no cents (\$318,652.00) from the USDA Natural Resources Conservation Service Farm and Ranchland Grant for the purchase of a Conservation Easement on the Cyr property at 1038 Trumbull Highway, the Slate property at 595 Trumbull Highway and the Mindel property at 124 Norwich Avenue. Copies of the Easement are available for public inspection at the Town Clerk's Office.*

Discussion: Town Planner Philip Chester spoke to the question as follows. "Tonight you are being asked to accept and release \$318,652 from the USDA Natural Resources Conservation Service Farm and Ranchland Grant which the Town applied for on behalf of Donald Cyr, Jon and Donna Slate, and the Mindel family. These parties contacted the Town asking us to assist them in preserving their farms. The Town applied on their behalf to the USDA Farm and Ranchland Protection Program and requested additional funding assistance from CT Farmland Trust. Appraisals were conducted on each of the properties and the owners have agreed to gift or donate 25% of the conservation easement value.

The \$318,000 will be released as follows:

1. \$118,000 of these funds will go to preserve the 46-acre Donald Cyr property at 1038 Trumbull Highway. In addition, the Cyr's will receive \$59,000 from CT Farmland Trust to preserve the property.
2. \$95,000 of these funds will go to preserve 33 acres of the Jon and Donna Slate farm at 595 Trumbull Highway which has been in the family for several hundred years. In addition, the Slates will receive \$47,500 from CT Farmland Trust to preserve the property.
3. \$105,000 will go to preserve the 30-acre Mindel property at 124 Norwich Avenue. The Mindel's will also receive \$52,500 from CT Farmland Trust to preserve the property.

CT Farmland Trust will be the conservation easement holder "Grantee"; however, the Town will take on that responsibility should CT Farmland Trust give up that responsibility. The Town will need to conduct surveys on each property and funding for this has already been appropriated at a prior Town Meeting."

Moderator Tollmann called the question. Vote called – Item 2 passed

Moved by Susan Davis, seconded by Paul LeDuc, to bring item 3 to the floor.
Consider and act upon the acceptance of a Right to Farm Ordinance.

Discussion: Joan Nichols, Government Relations Representative for Connecticut Farm Bureau spoke to the question as follows. Even though there are state statutes (laws) that regulate farming practices, many residents are not familiar with them. The proposed Right to Farm Ordinance is a statement that the town supports farms and all forms of agriculture. It also serves notice that Lebanon is a farming community and makes new residents aware of the town's agriculture image. This ordinance does not override state law, and if there are complaints regarding farming practices, they will be referred to the Commissioner of Agriculture. Lebanon has a Regional Vo-Ag school and numerous family farms, and they all need our support. Several towns in the State have already adopted a Right to Farm ordinance.

One resident sited that this ordinance gives special rights to a specific group and not to others. First Selectman Joyce Okonuk stated that if requests from other groups were made, they would be considered.

Selectman Russell Blakeslee stated that, even though he is a farmer, and a staunch supporter of the family farm, this ordinance is not needed. It does nothing for the family farm, and fears it will serve as a crutch for large farms when they use harmful farming practices. Jim Smith stated that agriculture is changing, and it is difficult for small herd farm to survive. Smith further stated the Right to Farm Ordinance doesn't differentiate between large or small farms.

Selectman Okonuk stated that Town Attorney Ronald Ochsner has reviewed the proposed ordinance, and quoted from his response letter, dated August 21, 2009, as follows. "the adoption of the Right to Farm Ordinance would have no effect upon the various local wetlands, zoning, building or health regulations of the Town. Further, it would have no effect upon enforcement of any state regulations which might be the subject of enforcement. It is merely a recitation of policy that the Town of Lebanon supports the establishment, continuation and promotion of agricultural activities within the Town."

Moved by Henry Grabber to call the question, seconded by Tim Slate.
Vote called, motion passed

Moved by Robert Slate to have a roll call vote on the question, seconded by Russell Blakeslee. Discussion followed.

Robert Slate moved to amend his motion for a roll call vote, to a secret ballot vote, seconded by Russell Blakeslee.

Vote called, Motion defeated.

Moderator Tollmann called the question (*Consider and act upon the acceptance of a Right to Farm Ordinance*)

Vote called – item 3 passed (*A copy of the Ordinance follows these minutes*)

Moved by Alicia Wayland, seconded by Linda Finelli, to bring item 4 to the floor.
“Consider and act upon the release of previously allocated funds in the Town Capital Reserve Account #200-900-6318 in the amount of sixty four thousand three hundred ninety three dollars and fifty cents (\$64,393.50) for the replacement of the Lake Shore Drive Culvert”.

Discussion: First Selectman Joyce Okonuk spoke to the question as follows. The culvert on Lake Shore Drive no longer can accommodate the water flow, which has caused considerable road and property damage. This project is part of the Capital Improvement Program (CIP) approved at the May 4, 2009 Annual Town Meeting.

When questioned why a box culvert wasn't being used, Town Engineer Brandon Handfield stated that due to the road configuration it was not advisable.

Moderator Tollmann called the question. Vote called – item 4 passed

Moved by Alicia Wayland, seconded by Linda Finelli, to bring item 5 to the floor.
Consider and act upon the release of previously allocated funds in the Town Capital Reserve Account #220-900-6306 for the purchase of a 2009 International Plow Truck from Nutmeg International in the amount of one hundred fifteen thousand six hundred twenty five dollars and no cents (\$115,625.00).

Highway Foreman Tom Conley stated that at present the town has six full size trucks and two spares, and one of the trucks has to be replaced.

Moderator Tollmann called the question. Vote called – item 5 passed

Moved by Maureen McCall, seconded by Susan Davis to adjourn.
Vote called – Motion passed

Meeting was adjourned at 8:26 P.M.

Respectfully submitted,

Susan C. Coutu
Town Clerk

Right to Farm Ordinance

Be it ORDAINED that the electors of the Town of Lebanon at a duly warned Special Town Meeting held on August 24, 2009:

Section I: Purpose and Intent

Agriculture plays a significant role in Lebanon's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Lebanon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of Lebanon to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section II: Definitions

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Section III: Right to Farm

The Right to Farm is hereby recognized to exist within the Town of Lebanon. No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance shall become or be considered, a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

- 1) The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
- 2) Odors from livestock, manure, fertilizer or feed;
- 3) Dust and fumes associated with normally accepted farming practices;
- 4) The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
- 5) Irrigation and water management associated with normally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of Lebanon's Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

This Ordinance shall take effect Fifteen (15) days after publication in accordance with the Connecticut General Statutes.

Dated at Lebanon Connecticut this 24th day of August 2009

Susan C. Coutu
Town Clerk

Effective the 12th day of September 2009